

House Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 9

HOUSE BILL 2121

AN ACT

AMENDING SECTIONS 46-244 AND 46-299, ARIZONA REVISED STATUTES; RELATING TO
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 46-244, Arizona Revised Statutes, is amended to
3 read:

4 46-244. Victims of domestic violence; referrals; identification

5 The department or its agent shall identify individuals who are victims
6 of domestic violence at the time of application for or during the receipt of
7 temporary assistance for needy families. At any time individuals shall be
8 given the chance to identify themselves as victims of domestic violence. If
9 identification and verification of abuse exist, the department shall refer
10 the individual to appropriate available services and shall waive for up to
11 six months, pursuant to a determination of good cause, any program work
12 requirements. ~~The department may grant additional waivers from work activity~~
13 ~~requirements for individuals pursuant to criteria adopted pursuant to section~~
14 ~~46-299, subsection A, paragraph 3.~~

15 Sec. 2. Section 46-299, Arizona Revised Statutes, is amended to read:

16 46-299. Jobs program; definition

17 A. As a condition of eligibility or continuing eligibility for cash
18 assistance, all recipients shall engage in work activities that are
19 established in this article and determined appropriate by the department. A
20 DISABLED INDIVIDUAL SHALL ENGAGE IN WORK ACTIVITIES AS REQUIRED BY THIS
21 SUBSECTION UNLESS THE DISABLED INDIVIDUAL PROVIDES THE DEPARTMENT
22 VERIFICATION OF A CONDITION THAT MEETS DISABILITY OR TEMPORARY DISABILITY
23 CRITERIA ESTABLISHED BY THE DEPARTMENT. The following individuals are
24 temporarily deferred from the requirement to engage in work activities:

25 1. A parent in a single parent family or a nonparent relative
26 personally caring for a child who is under the age of twelve months for a
27 period of not more than twelve months in the recipient's lifetime. This
28 deferral does not apply to teenaged custodial parents who do not have a high
29 school diploma or its equivalent.

30 2. An unmarried custodial parent who is under eighteen years of age
31 and who is personally caring for a child who is under the age of twelve
32 weeks.

33 ~~3. A disabled individual who has provided verification of a condition~~
34 ~~that meets disability or temporary disability criteria established by the~~
35 ~~department.~~

36 ~~4.~~ 3. An individual who provides verification acceptable to the
37 department that the individual is personally caring for the individual's
38 dependent who is disabled and unable to care for himself.

39 ~~5.~~ 4. Victims of domestic violence whose participation in work
40 activities causes an immediate threat to their own safety or the safety of
41 their children.

42 ~~6.~~ 5. Dependent children as defined in this article.

1 B. To the extent that the state meets the federally required work
2 participation rates, unmarried custodial parents may attend a postsecondary
3 educational program full time in lieu of standard work participation
4 requirements. The department may require additional work activities.

5 C. Teenaged heads of household who are under twenty years of age and
6 who have not attained their high school diploma or its equivalent are
7 required to either:

8 1. Maintain satisfactory attendance at a secondary school or the
9 equivalent.

10 2. Satisfactorily participate in education directly related to
11 employment at the level of participation established by the department.

12 D. The department may establish the minimum work participation level
13 required to meet the work requirements established in Public Law 104-193,
14 section 407 (1996).

15 E. All cash assistance recipients, excluding dependent children, shall
16 complete a personal responsibility declaration.

17 F. All cash assistance recipients, excluding dependent children
18 complying with compulsory school requirements as prescribed in section
19 15-803, shall also participate in the development of an employment plan and
20 shall receive services in support of and as specified in that plan.

21 G. Participants who fail or refuse to engage in work activities as
22 required by the department are subject to the progressive sanctions
23 prescribed in section 46-300.

24 H. The department shall adopt rules that establish good cause reasons
25 that excuse the participant from engaging in work activities.

26 I. This state shall provide workers' compensation coverage for cash
27 assistance recipients engaged in unpaid work experience or community service
28 programs as established in this article. The cost shall be paid from the
29 temporary assistance for needy families monies.

30 J. The department may operate on a statewide basis a wage subsidy
31 program. Employers may hire recipients of cash assistance and food stamps
32 for subsidized job slots that are full time and that offer a reasonable
33 possibility of unsubsidized employment after the subsidy period. This
34 program shall provide that:

35 1. Employers who operate an approved wage subsidy program shall
36 receive a subsidy for up to six months. The department may grant an
37 extension of three months to employers operating in areas identified as
38 having a higher unemployment rate than the state average, as defined by the
39 department, if the extension increases the likelihood of ongoing unsubsidized
40 employment for the subsidized employee.

41 2. The department shall ensure that subsidized jobs made available to
42 subsidized employees:

43 (a) Do not require work in excess of forty hours per week.

1 (b) Pay a wage that is substantially like the wage paid for similar
2 jobs with the employer with appropriate adjustments for experience and
3 training but not less than the federal minimum hourly wage.

4 (c) Do not impair an existing contract or collective bargaining
5 agreement.

6 (d) Do not displace currently employed workers or fill positions that
7 are vacant due to a layoff.

8 3. Wage subsidy employers shall:

9 (a) Maintain health, safety and working conditions at or above levels
10 generally acceptable in the industry and not less than those of comparable
11 jobs offered by the employer.

12 (b) Provide on-the-job training necessary for subsidized employees to
13 perform their duties.

14 (c) Sign an agreement for each placement outlining the specific job
15 offered to a subsidized employee and agree to abide by all of the
16 requirements of the program. All agreements shall contain a provision that
17 sets forth the employer's responsibility to repay subsidies paid under this
18 article if the employer violates program requirements.

19 (d) Provide workers' compensation coverage for each subsidized
20 employee they employ.

21 (e) Provide the subsidized employee with benefits equal to those for
22 new employees or as required by state and federal law, whichever is greater.
23 For purposes of this paragraph, "benefits" includes health care coverage,
24 paid sick leave and holiday and vacation pay.

25 4. Eligible subsidized employees are those who:

26 (a) Do not have sufficient work experience to obtain unsubsidized
27 employment.

28 (b) Have completed an employment preparation program.

29 (c) Are deemed able to benefit from this employment strategy by the
30 department.

31 5. The department shall:

32 (a) Disregard income earned by the subsidized employee in the
33 subsidized job when determining the household's eligibility for cash
34 assistance and food stamps.

35 (b) Suspend regular payments of cash assistance and food stamps to the
36 household at the end of the calendar month in which an employer makes the
37 first subsidized wage payment to a subsidized employee who is otherwise
38 eligible to receive the cash assistance and food stamps.

39 (c) Reimburse employers each month, from cash assistance and food
40 stamps, the lesser of a fixed subsidy amount determined by the department or
41 the gross wages paid to the subsidized employee.

42 (d) Determine eligibility for supplemental payments as follows:

43 (i) If the net monthly full-time wage paid to a subsidized employee is
44 less than the combined monthly total of the cash assistance and food stamps
45 the participant is eligible to receive, the department shall authorize

1 issuance of a supplemental cash payment to compensate for the deficit. To
2 determine if a deficit exists, the department shall adopt, through rules, an
3 equivalency scale that is adjustable to household size and other factors.
4 For purposes of this section, "net monthly full-time wage" refers to a
5 participant's wages after required payroll deductions.

6 (ii) The department shall monthly determine and pay in advance
7 supplemental payments to eligible subsidized employees. In calculating the
8 payment, the department shall assume that the participant will work forty
9 hours per week during the month unless an employer provides information that
10 the number of hours to be worked by a subsidized employee will be reduced.

11 K. For purposes of this section, "subsidized employee" means an
12 individual engaged in this subsidized employment activity.

APPROVED BY THE GOVERNOR APRIL 1, 2005.

FILED IN TH OFFICE OF THE SECRETARY OF STATE APRIL 1, 2005.

Passed the House March 7, 2005,

Passed the Senate March 24, 2005,

by the following vote: 47 Ayes,

by the following vote: 28 Ayes,

7 Nays, 6 Not Voting

2 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28th day of March, 2005

at 2:14 o'clock P. M.

Winnifred Ybarra
Secretary to the Governor

Approved this 1 day of

April, 2005,

at 11⁰⁰ o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1st day of April, 2005

at 2:23 o'clock P. M.

[Signature]
Secretary of State